

*United States Court of Appeals
for the Second Circuit*



**APPELLANT'S
BRIEF**

75-7461

B

Albert
Pryor
(Appellant)
Brief



75-7461

Court of Appeal
United States Court of Appeal

Albert Pryor
(plaintiff-appellant)

v

Mercury Recording Co. (known now as
Phonogram Recording Co.) and the Ohio
Players
(defendants-appellee)

From the case filed at United States
Southern District Court 75 Civ 2818
(Albert Pryor - Plaintiff)

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Statement
of
the case

Albert Pryor

Plaintiff-Appellant

-V-

MERCURY RECORDING CO. (KNOWN NOW AS
PHONORECORDING CO.) AND
THE OHIO PLAYERS

Defendants-Appellee

Appeal of case

175CIV 2878 Filed

, IN United States Southern

District Court by

How. W. Knapp

With the knowledge of the law with
which I intend to defend this case with,
and with the knowledge that skill or ability
has no bearing on the matter of facts of
the relevant issue of the case.

And that the contraries hold to be true
that the lack of skill and/or ability does
not justified the fact that of the issue
with every possible means to be presented
in the best manner.

With the understanding of the court
seeing that this Brief is handwritten
I will limit the pages. (To rule out any
incorrect grammar, spelling and/or handwriting
errors)

In stating the reasons I filed the original
complaint against MERCURY recording Company
(Known now as phonorecording Inc.) and
Ohio players are:

① Social Injustice which was and still
is occurring in the manner of ostracism
from old acquaintances. Degrading
and indecent behavior on the part of
new acquaintances once they become
aware of my name.

② the direct application of the fact may be seen by the acquaintances who have socialize with my wife who is from ohio and has living relation in ohio, and who has travel to ohio on different occasion.

③ by bring the matter to court to be heard it was my intend to prevent the social Injustice, which was occurring to me to a halt. In that I could move about in society with affluent and ease as anyone.

④ the sum of money request, I request with possible of some agreement could be made, But with the intentions that it would cover the Social Damage done to ME by the record IN Question. Along with the social upgrading the money would bring about.

With respect for the Honorable Judge W. Knapp opinion #42905, I feel that the court did not fully hear the matter, mainly because the strength of case was with the oral agreement which I plan to state in court, in manner of stating examples (not just one example) of direct applicant of matter of fact in this issue.

And the example that I gave was not the best example I could have gave because when I first approach the bench (where the Judge sat) I request an adjournment and I started stating my reasons for adjournment

- (A) that the lawyer I requested was not present, latter I found out it was necessary for me to defend myself in this matter
- (B) That summary judgement at that time was not to the benefit of all parties concern in the matter, because on my part (plaintiff) that the defendants lawyers could not be located.

The Hon. W. Knapp overlook my request for adjournment and act upon the summary judgement which was written by the representative of the defendants and the amend of original filed which I (plaintiff) had written but which needed some correction.

Any other court appears other then the one on July 24, 1975 I am not aware of.

Reason for
requesting an
appeal

With the understanding of the informality
of the court, that the informal example which
I gave in court on July 24, 1975 was a
minor example of the direct application
of effect which the record IN question
has brought about. Which contradict the
defendants denying of complaint, and which
was the strength of their request for
Dismissal IN their Summary Judgement

That disbelief of Hon. Knapp of my
minor example is what cause the complaint
to be Dismiss. But it is my contention to
prove that social injustice is cause by
the effect of the record IN question (I could
not request of the Hon. W. Knapp Nor any other
Judge to socialize with me to see effect
of the record IN question)

We can not assume anything But we can
presassume something as to the advise of the
representative of defendants, IN their denying
the act of publication, and main reason's I
requested the present of the defendants is
to show cause ~~and~~/as reasons why the use
of my name would be used IN such slander
and libelous way; to thoroughly examine
the matter.

That phonetic similarity exist within the
social life which I (plaintiff) move about
in, and the fact that the people IN the social
life are not aware of the written form of
the record IN question and thereby not
influence by the written words of the record
IN question (as I was before the representative
of defendant send a copy of the written form of the
record IN question)

The fact that I did not state that my name was song alternatively with "Five" But that my name is use and refer to in slander and libelous ways and the effects of this act of publication cause undue social pressure that, I believe, which is the real issue of the case, the remedy of the said social injustice

Summary

With the intention to serve God and
to serve justice, I bring this matter
to the court of Appeal

With all due respect for the Hon. W. Knapp
Opinion # 42945 and Judgement handed down
on Aug. 7, 1915 with application to case 75
Civ 2878, so that truth, God and justice will
rule in this case, and with the understanding
that correction not made then can be made now.

That the Social Life which is being destroyed
by effect of this record ("Fire") in question is
the issue, that the defendants failed to prove
that I do not have direct application, along
with the fact they have committed an act of
Publication.

The detail of Examples of which I have
been a victim of can be brought out in court.
Seeing that the complaint which I filed and
am filing are handwritten to rule out
any error that might occur (grammar, spelling
and/or understanding of handwriting)

With all parties concern in the matter present
(representative of defendant may not aware
of certain situation which might be
brought out in present of a third party)
Including the Model who posed for their record
Jacket.

That with the limits of the law and
absolute extend of the law, I state that
a thorough examination in court be made
of all said facts and facts to be stated and shown
are valid reasons for this appeal of this matter,
and above all God, justice and truth will be served.

Respectfully
Albert Poyer

